

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
WICHITA FALLS DIVISION**

**TOBY W. BROWN,  
SO 84068,**

**Plaintiff,**

**v.**

**KATHRYN CROWE, *et al.*,**

**Defendants.**

§  
§  
§  
§  
§  
§  
§  
§  
§  
§

**Civil Action No. 7:17-cv-00096-M-BP**

**ORDER OF THE COURT ON RECOMMENDATION REGARDING  
REQUEST TO PROCEED IN FORMA PAUPERIS ON APPEAL**

Considering the record in this case and the recommendation of the Magistrate Judge, the Court hereby finds and orders:

- ( ) The request for leave to proceed *in forma pauperis* on appeal is GRANTED.
- (X) The applications for leave to proceed *in forma pauperis* on appeal are **DENIED** because the Court certifies pursuant to 28 U.S.C. § 1915(a)(3) that the appeal is not taken in good faith. The appeal presents no legal points of arguable merit and is therefore frivolous.
- (X) Although this court has certified that the appeal is not taken in good faith under 28 U.S.C. § 1915(a)(3) and Fed. R. App. P. 24(a)(3), the plaintiff may challenge this finding by filing a separate motion to proceed *in forma pauperis* on appeal with the Clerk of Court, U.S. Court of Appeals for the Fifth Circuit, within 30 days of this order.

**SIGNED** this 15th day of January, 2019.

  
**BARBARA M. G. LYNN**  
**CHIEF JUDGE**